



# AGENDA

Lincoln County Board of Commissioners

Board of Commissioners  
225 West Olive Street  
Room 110  
Newport, OR 97365  
Phone: 541.265.4100  
FAX: 541.265.4176

**Wednesday, May 31, 2017**

**9:30 a.m.**

**Commissioner's Meeting Room  
Lincoln County Courthouse  
225 W. Olive Street, Room 108  
Newport, Oregon**

**I. CALL TO ORDER**

**II. ROLL CALL - ESTABLISHMENT OF A QUORUM**

**III. RECOGNITION/PROCLAMATION**

**IV. ADOPTION OF CONSENT CALENDAR**

**A. Minutes of Board of Commissioners Meeting**

1. Order #5-17-142 Lincoln County Budget Committee Meeting Minutes of May 1, 2017
2. Order #5-17-143 Lincoln County Budget Committee Meeting Minutes of May 2, 2017
3. Order #5-17-144 Lincoln County Budget Committee Meeting Minutes of May 3, 2017
4. Order #5-17-145 Lincoln County Budget Committee Meeting Minutes of May 4, 2017
5. Order #5-17-146 Lincoln County Budget Committee Meeting Minutes of May 17, 2017

**B. Commission Appointments and Resignations**

**C. License Applications or Renewals**

**D. Tax Foreclosure, Right-of-Way, Sales and Deeds**

**E. General Budget Resolutions**

**F. Acting as Governing Body of County Wide Service Districts**

**G. Documents and Recording Matters in the Commissioners Journal**

1. Order #5-17- 147 Forest Enforcement Program Agreement between Lincoln County by and through the Lincoln County Sheriff's Office, the Lincoln County Solid Waste Service District and the Association of Concerned Landowners (Terms: Effective July 1, 2016 – June 30, 2018)
  
2. Order #5-17- 148 The Execution of Quitclaim Deed for Certain Tax Acquired Property to John C. Phillips & Thelma J. Phillips (Map 06-10-33-DA Tax Lot 08401)

**H. Execution of Documents**

**V. PUBLIC HEARING**

**VI. DECISION/ACTION**

**VII. DISCUSSION/INFORMATION**

**A. Recommendations from the Nonprofit Social Service Agency Allocation Review Committee – Presented by: Julie Kay**

**B. Ordinance # \_\_\_\_\_ Relating to Regulation of Organized Events  
– Presented by: Jerry Herbage**

**C. Ordinance # \_\_\_\_\_ Relating to Small Gatherings, Outdoor Mass Gatherings and Extended Outdoor Mass Gatherings Permits  
– Presented by: Jerry Herbage**

**D. Bid award to Collaborative Construction Solutions, LLC for the remodel of the Jail lobby at a cost of \$196,832.00 - Presented by: Roy Kinion**

**VIII. BOARD OF COMMISSIONERS AS THE GOVERNING BODY OF COUNTY-WIDE SERVICE DISTRICTS**

**IX. REPORTS**

**A. Elected Officials/Department Directors/Program Coordinators and Consultants**

**B. Commissioners**

**X. CONSTITUENT INPUT (Limited to five minutes per constituent)**

**XI. EXECUTIVE SESSION**

**XII. ADJOURN**

**XIII. OTHER SCHEDULED MEETINGS AND APPOINTMENTS OF THE BOARD**

**Monday, June 5, 2017 – 9:00 a.m. – Office Meeting and Board Briefing** in the Commissioner’s Small Meeting Room, Lincoln County Courthouse Room #110, 225 West Olive Street, Newport; meeting to cover office priorities, operations, procedures and workflow

**Wednesday, June 7, 2017 – 9:30 a.m. – Board of Commissioners Meeting** in the Commissioner’s Meeting Room, Lincoln County Courthouse Room #108, 225 West Olive Street, Newport.

***For special physical, language or other accommodations at Board's meeting, please contact the Board at 265-4100 (voice) or dial 7-1-1 Relay Service and include e-mail as soon as possible, but at least 48 hours before the meeting.***

**NONPROFIT SOCIAL SERVICE AGENCIES  
ALLOCATION COMMITTEE FINAL RECOMMENDATION**

**2017-18**

<i>AGENCY</i>		<i>Amount Requested</i>	<i>Final Recommendation</i>
1	Bright Horizons Therapeutic Riding Center	\$8,000	\$3,625
2	CASA of Lincoln County	\$22,000	\$14,569
3	Children's Advocacy Center of Lincoln County	\$15,000	\$11,156
4	Coastal Range Food Bank, Inc.	\$2,500	\$2,250
5	Family Promise of Lincoln County	\$10,000	\$8,150
6	Food Share of Lincoln County	\$18,000	\$12,500
7	Head Start in Lincoln County	\$10,000	\$8,750
8	Helping Hands Re-entry Outreach Centers	\$20,000	\$2,249
9	Lincoln Community Dispute Resolution	\$5,000	\$5,000
10	Lincoln County Legal Aid Services of Oregon	\$10,000	\$7,250
11	Lincoln County Sheriff's Mounted Posse	\$1,500	\$1,388
12	My Sister's Place	\$15,000	\$10,750
13	Neighbors For Kids	\$7,500	\$6,000
14	North End Senior Solutions (NESS) & Adult Day Service (ADS)	\$12,000	\$7,250
15	Northwest Coastal Housing	\$12,500	\$5,750
16	OCWSSF Senior Corps Programs (RSVP/FGP) of Lincoln County	\$15,000	\$8,750
17	OCWSSF, 501 (c)(3) sponsor for the Senior Meals & Meals on Wheels Program	\$20,000	\$12,000
18	Salvation Army Newport Corps	\$20,000	\$6,500
19	Samaritan House, Inc.	\$45,000	\$16,913
20	Samaritan Senior Companion Program	\$10,000	\$6,500
21	Yachats Youth & Family Activities	\$10,000	\$8,500
22	Youth Development Coalition of Lincoln County	\$22,000	\$9,250
<b>Totals</b>		<b>\$311,000</b>	<b>\$175,050</b>



DRAFT

BEFORE THE BOARD OF COMMISSIONERS  
FOR LINCOLN COUNTY, OREGON

Ordinance # \_\_\_\_\_

1

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**Relating to Regulation of Organized Events (on County Roads)**

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5 Findings:

6 WHEREAS, ORS 203.035(1) allows the Lincoln County Board of Commissioners the  
7 power by ordinance to exercise authority within the County over matters of County concern to  
8 the fullest extent allowed by the Constitutions and laws of the United States and of this state;  
9 and

10 WHEREAS, ORS 203.035 and ORS Chapter 368 are the underlying authorities for this  
11 ordinance; and

12 WHEREAS, currently Organized Events (on County Roads) are regulated somewhat  
13 informally through the Public Works/Road Department, and sometimes through a road  
14 operations permit which is not particularly tailored to address Organized Events; and

15 WHEREAS, for health and safety reasons, it is appropriate for the Lincoln County  
16 Board of Commissioners to adopt specific regulations and a permitting system for Organized  
17 Events; and

18 WHEREAS, a permit issued under this Ordinance is meant to be supplemental; it does  
19 not replace other permits that are required by code, law or practice; and

20

21 The Lincoln County Board of Commissioners ordains as follows:

22 SECTION 1.

Page 1 – ORDINANCE # \_\_\_\_\_

Note: This Ordinance consists of entirely new provisions and does not replace any current provisions of the Lincoln County Code. Since it is not being codified, the usual provision of **boldface** for amendments and ~~strikethrough~~ for deletions does not apply to this Ordinance.

1 Chapter 6 of the Lincoln County Code is amended by adding the following sections  
2 6.520 to section 6.575.

3 **6.520 Definitions**

4 As used in LCC 6.520 to 6.575, unless the context requires otherwise:

5 (1) "Bicycle Race or Tour" means any Organized Event involving bicycles and  
6 bicycle riders, for which directional signs or road markings and rest stops are provided, and for  
7 which registration is required.

8 (2) "Board" is the Board of County Commissioners for Lincoln County, or its  
9 designee.

10 (3) "County Road" means any County road, as defined in ORS 368.001(1), in  
11 Lincoln County.

12 (4) "County Roadmaster" means the Lincoln County Director of Public  
13 Works/Road Department or his or her designee.

14 (5) "Footrace" means an Organized Event run. Athletic competitions sponsored by  
15 the Lincoln County School District are not included within this definition.

16 (6) "Motorcade" means an Organized Event procession, except funeral processions  
17 and military convoys.

18 (7) "Organized Event" means any parade, foot race, motorcade, walkathon, bicycle  
19 race or tour, road rally or other similar event, held on a County road, and sponsored by an  
20 organization or other entity, and advertised in advance. "Organized Event" also includes an  
21 event, sponsored by an organization or other entity, and advertised in advance, which requires  
22 a detour or road closure, partial or complete, or the use of pilot vehicles to guide traffic, and  
23 which is expected to exceed 45 minutes of time, either for one period of time, or separate  
24 intervals of time which in the aggregate are expected to exceed 45 minutes of time. Road  
25 construction and maintenance, utility placement and maintenance, search and rescue activities,  
26 and response by law enforcement agencies, fire departments, ambulance companies or public

Page 2 – ORDINANCE # \_\_\_\_\_

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1 works departments to criminal activities, fires, accidents, landslides or other emergencies are  
2 not considered “Organized Events” under this Ordinance.

3 (8) “Parade” means any Organized Event of any march or procession consisting of  
4 people, animals or vehicles, or combination thereof, except funeral processions, which do not  
5 comply with normal and usual traffic regulations and controls.

6 (9) “Road Rally” means any Organized Event of contest of speed or driving skills  
7 utilizing automobiles or motorized vehicles of any kind.

8 (10) “Walkathon” means any Organized Event walk.

9 **6.525 Permit Required for Events**

10 (1) It shall be unlawful for any person to conduct an Organized Event or knowingly  
11 participate in any such Organized Event unless and until a permit to conduct such Organized  
12 Event has been obtained from the County Roadmaster.

13 (2) It shall be unlawful, and no permit shall be issued, to conduct any Organized  
14 Event after sunset and before sunrise, unless the County Roadmaster finds that adequate steps  
15 have been taken to provide for the safety of the participants, the spectators, and the residents in  
16 the vicinity of the activity.

17 **6.530 Application for Permit**

18 (1) Any person who wants to conduct an Organized Event shall apply to the County  
19 Roadmaster for a permit at least sixty (60) days in advance of the date of the proposed  
20 Organized Event. The County Roadmaster may at his or her discretion consider any application  
21 for a permit to conduct an Organized Event which is filed less than sixty (60) days prior to the  
22 date the Organized Event is to be conducted, but in such case the application fee shall be  
23 double. The application for such permit shall be made in writing on a form approved by the  
24 County Roadmaster. In order that adequate arrangements may be made for the proper policing  
25 of the Organized Event, the application shall contain the following information:

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1 (a) The name of the applicant, the name of the sponsoring organization, and the  
2 name of the Organized Event chairperson, and the mailing address, email address and  
3 telephone numbers of each.

4 (b) The purpose of the Organized Event, the date of when it is proposed to be  
5 conducted, the location of the assembly area(s), route(s) to be traveled, the approximate time  
6 when the Organized Event will assemble, start and terminate, and the estimated number of  
7 participants and spectators.

8 (c) An Organized Event control plan containing information regarding any need for  
9 road closures or partial closures, information on proposed flaggers, signage and barriers, and  
10 who will be responsible for them.

11 (d) Whether alcohol will be a part of the Organized Event, and if so, in what way,  
12 and what arrangements have been made for appropriate licensing.

13 (e) Such other information as the County Roadmaster may deem reasonably  
14 necessary.

15 (2) The person or organization applying for the Organized Event permit shall also  
16 tender along with the application an application fee. This fee shall be set by Board order or  
17 resolution.

18 (3) The person or organization applying for the Organized Event permit shall also  
19 tender along with the application an indemnity agreement, and except as may be waived as  
20 provided in Section 6.560, proof of insurance coverage in compliance with that Section and  
21 that names Lincoln County as an additional insured.

22 **6.535 Issuance or Denial of a Permit**

23 (1) Standards for Issuance. The County Roadmaster shall issue a permit conditioned  
24 upon the applicant's written agreement to comply with the terms of such permit unless the  
25 County Roadmaster finds that:

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1 (a) The time, route and size of the Organized Event will disrupt to an unreasonable  
2 extent the movement of other traffic or will endanger the safety of participants or citizens, or  
3 cause a safety hazard other than traffic.

4 (b) The Organized Event is of a size or nature that requires the diversion of too  
5 many County law enforcement officers, Public Works/Road Department employees or other  
6 personnel to properly control the Organized Event or that allowing the Organized Event would  
7 deny reasonable law enforcement or other emergency service protection to the citizens of the  
8 County.

9 (c) Such Organized Event will interfere with another event for which a permit has  
10 been issued.

11 (d) The County Roadmaster determines the Organized Event would damage County  
12 roads.

13 (2) Standards for Denial. The County Roadmaster shall deny an application for an  
14 Organized Event permit and notify the applicant of such denial where:

15 (a) The County Roadmaster makes any finding contrary to the findings required to  
16 be made for the issuance of a permit.

17 (b) The information contained in the application is found to be false or lacking in  
18 sufficient material detail.

19 (c) The applicant refuses to agree to or abide by or comply with all conditions of  
20 the permit.

21 **6.540 Contents of a Permit**

22 (1) In each permit the County Roadmaster shall specify:

23 (a) The assembly area, and the time of assembly;

24 (b) The date, and starting and ending time for the Organized Event;

25 (c) The minimum and maximum speeds, if applicable;

26 (d) The route of the Organized Event;

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1 (e) Which portions of County roads to be traversed may be occupied by such  
2 Organized Event;

3 (f) An Organized Event control plan; (This must indicate whether there will be a  
4 road closure or a partial closure, what traffic control measures will be used, who is responsible  
5 for any flaggers, barriers and signage, etc.)

6 (g) The number and types of vehicles, if any;

7 (h) That permittee shall advise all participants in the Organized Event by written  
8 notice of the terms and conditions of the permit prior to the commencement of the Organized  
9 Event;

10 (i) Such other requirements as are found by the County Roadmaster to be  
11 reasonably necessary for the protection of persons and property.

12 (2) All conditions of the permit shall be complied with so far as reasonably  
13 practicable.

14 **6.545 Review Procedure**

15 (1) Approval or denial of an application by the County Roadmaster shall be  
16 reviewable only by the Lincoln County Circuit Court for the State of Oregon, and only by writ  
17 of review under the provisions of ORS 34.010 to 34.100.

18 **6.550 Reserved**

19 **6.555 Revocation or Restriction of Permit**

20 (1) Any permit for an Organized Event issued pursuant to this Ordinance may be  
21 summarily revoked or amended by the County Roadmaster prior to the commencement of the  
22 event, at any time by reason of disaster, public calamity, riot or other emergency, if it is  
23 determined that the safety of the public or property requires such revocation or amendment.  
24 Notice of such action revoking or amending a permit shall be delivered in writing to the  
25 permittee by email, personal delivery, or by certified or registered mail, return receipt  
26 requested.

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1 (2) If at any time during the Organized Event held under a valid permit, the County  
2 Roadmaster believes an unreasonable threat to the health, safety and welfare of the public is  
3 present, or the permit holder cannot maintain order and compliance with all applicable state  
4 and local laws or refuses or is unable to adhere to the terms and conditions of the permit, the  
5 County Roadmaster may terminate the Organized Event or reduce the number of participants,  
6 or take any lawful action to remedy the unsafe action.

7 **6.560 Hold Harmless**

8 (1) Applicants shall agree in writing to indemnify, defend and save and hold  
9 harmless the County, its Commissioners, boards, officers, employees and agents, from all suits,  
10 actions, damages or claims to which the County may be subjected of any kind or nature  
11 whatsoever resulting from, caused by, arising out of or as a consequence of such Organized  
12 Event and the activities permitted in connection therewith. Applicants shall provide County  
13 with evidence of insurance with single limit policy limits of not less than \$2,000,000. The  
14 County shall be named as an additional insured. The County Roadmaster may waive proof of  
15 insurance if circumstances warrant for Organized Events. Applicants shall also agree to  
16 indemnify, defend, save harmless any Public Agency providing services to the Organized  
17 Event.

18 **6.565 Compliance with Laws**

19 (1) Issuance of a Permit under this Ordinance shall not relieve applicant of the  
20 responsibility to comply with all applicable ordinances and laws, and to obtain all other  
21 required permits and licenses necessary to carry out an Organized Event.

22 **6.570 Conditions in Permits**

23 (1) Any permit granted under this Ordinance may contain conditions reasonably  
24 calculated to reduce or minimize the dangers and hazards to vehicular or pedestrian traffic and  
25 the public health, safety, tranquility and welfare including but not limited to changes in time,  
26 duration and number of participants.

27  
Page 7 – ORDINANCE # \_\_\_\_\_

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**6.575 Penalty**

(1) This Ordinance is enforceable under, and violators hereof are subject to, the penalties provided for in Chapter 10 of the Lincoln County Code. In addition, Lincoln County shall have such other remedies available to it as are provided in law or equity.

SECTION 2.

Severability.

The sections, subsections, paragraphs and clauses of this Ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

Dated this \_\_\_ day of May, 2017.

LINCOLN COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Terry N. Thompson, Chair

\_\_\_\_\_  
Doug Hunt, Commissioner

\_\_\_\_\_  
Bill Hall, Commissioner

ATTESTED TO:

APPROVED AS TO FORM:

\_\_\_\_\_  
Tanya Graham, Recorder

\_\_\_\_\_  
Wayne Belmont, County Counsel

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**BEFORE THE BOARD OF COMMISSIONERS**  
**FOR LINCOLN COUNTY, OREGON**

DRAFT

Ordinance # \_\_\_\_\_

1 \_\_\_\_\_

2 **Relating to Small Gatherings, Outdoor Mass Gatherings and Extended Outdoor Mass**  
3 **Gatherings Permits**

4 \_\_\_\_\_

5 Findings:

6 WHEREAS, ORS 203.035(1) allows the Lincoln County Board of Commissioners the  
7 power by ordinance to exercise authority within the County over matters of County concern, to  
8 the fullest extent allowed by the Constitutions and laws of the United States and of this State;  
9 and

10 WHEREAS, ORS 203.035 and ORS 433.735 to 433.770 provides authority for the  
11 regulation of Small Gatherings, Outdoor Mass Gatherings and Extended Outdoor Mass  
12 Gatherings; and

13 WHEREAS, the uncontrolled outdoor gatherings of large groups of persons for extended  
14 periods of time has necessitated a need for the establishment of reasonable health and safety  
15 rules.

16 The Lincoln County Board of Commissioners ordains as follows:

17 SECTION 1

18 Chapter 4 of the Lincoln County Code is amended by adding the following sections 4.405  
19 to 4.505.

Page 1 ORDINANCE # \_\_\_\_\_

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Office of Lincoln County Legal Counsel  
225 West Olive Street, Room 110  
Newport, Oregon 97365  
(541) 265-4108

1           **4.405 Definitions**

2           As used in LCC 4.405 to 4.505, unless the context requires otherwise:

3           (1)    “Assembly of Persons” means any gathering of any person, including but not  
4 limited to spectators, attendees, organizers, performers and participants on any given day.

5           (2)    “Board” means the Lincoln County Board of Commissioners, or its designee.

6           (3)    “Department” means the Lincoln County Planning Department.

7           (4)    “Director” means the Director of Lincoln County Planning, or his or her designee.

8           (5)    “Extended Outdoor Mass Gathering” (hereinafter “EMG”) means and includes an  
9 Assembly of Persons, including but not limited to spectators, for which the actual cumulative  
10 number is or is reasonably expected to be more than 3,000 persons for a period that continues to  
11 be for more than 120 hours, including set-up, placement, storage and removal or similar action of  
12 any equipment, materials, structures, vehicles, supplies and so forth, within any continuous  
13 three-month period, and that is primarily held in open spaces and not in any permanent structure  
14 within the unincorporated area of Lincoln County.

15          (6)    “Hearings Body” means the following:

16          (a)    For Outdoor Mass Gatherings, the Board;

17          (b)    For EMGs, the County Planning Commission;

18          (c)    For appeals of a decision of the County Planning Commission, the Board;

19          (d)    For appeals of a decision of the Director or Board, the Lincoln County Circuit  
20 Court.

21          (7)    “Organizer” includes any person who conducts, stages or sponsors a Small  
22 Gathering, Outdoor Mass Gathering or EMG, and the owner, lessee, or possessor of the real  
23 property upon which the Small Gathering, Outdoor Mass Gathering or EMG is to take place.

24          (8)    “Outdoor Mass Gathering” (hereinafter, “MG”) means and includes an assembly  
25 of persons, including but not limited to spectators, and whose number is or is reasonably  
26 anticipated to be more than 3,000 persons for a period that continues or can reasonably be  
27 expected to continue for more than 24 hours, but less than 120 hours, including set-up,  
28 placement, storage and removal or similar action of any equipment, materials, structures,

Page 2 ORDINANCE # \_\_\_\_\_

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1 vehicles, supplies and so forth, within any continuous three-month period and which is primarily  
2 held in open spaces, but not in any permanent structure within the unincorporated area of Lincoln  
3 County.

4 (9) "Permanent Structure" includes a stadium, an arena, an auditorium, a coliseum, a  
5 fairground, a commons, or other similar established places for assemblies and public gatherings.

6 (10) "Person" or "Persons" means any individual, firm, partnership, corporation, joint  
7 venture, association, social club, fraternal organization, fraternity, sorority, non-profit  
8 organization, estate, trust, receiver, trustee, syndicate or other group, organization or  
9 combination acting as a unit.

10 (11) "Sheriff" means the Lincoln County Sheriff or his/her designee.

11 (12) "Small Gathering" (hereinafter, "SG") means and includes an assembly of  
12 persons, including but not limited to spectators, whose actual cumulative number is or is  
13 reasonably anticipated to be less than 3,001 persons but more than 400 persons for a period that  
14 continues or can reasonably be expected to continue for more than 6 hours but not more than 72  
15 hours, including set-up, placement, storage and removal or similar action of any equipment,  
16 materials, structures, vehicles, supplies and so forth within any continuous three month period,  
17 and that is held primarily in open spaces and not in any permanent structure within the  
18 unincorporated area of Lincoln County.

19 (13) "Spectator" means any person located within, alongside or near the SG, MG or  
20 EMG, whether or not that person pays a fee to participate in the SG, MG or EMG.

21 (14) "Sponsor" means any person that allows, promotes or causes a SG, MG or EMG.

22 (15) "Temporary Structure" includes tents, trailers, chemical toilet facilities and other  
23 non-permanent structures customarily erected or sited for temporary use.

24 (16) "Traffic Control" means signs, warning markers and other regulatory devices  
25 meeting the standards of the Manual of Uniform Traffic Control Devices.

26

27 **4.410 SG, MG and EMG Exclusions**

Page 3 ORDINANCE # \_\_\_\_\_

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1 (1) The requirements in this Code for SG's, MGs and EMGs shall not apply to any  
2 regularly scheduled religious service or religious organized activity that takes place on  
3 institutional property, regularly organized and supervised school district activity or program that  
4 takes place on school property, any activities at the Lincoln County Fairgrounds or Commons,  
5 any activity at a County park, or any activity of a municipal corporation or governmental agency.

6 (2) The Director or Hearings Body, as applicable, may waive all or part of the permit  
7 requirements for certain limited SG's, MGs and EMGs upon a showing by the Organizer of good  
8 cause, when no significant public health, safety or welfare issues are involved or when the  
9 Director or Hearings Body determines that no County law enforcement or other County  
10 resources are necessary.

11 **4.415 SG, MG and EMG Permit Required**

12 (1) No Organizer shall hold, conduct advertise or otherwise promote a SG, MG or  
13 EMG or allow a SG, MG or EMG to be held on real property in the unincorporated areas of  
14 Lincoln County unless the Organizer obtains a permit to hold such a SG, MG or EMG.

15 (2) No permit for a SG, MG or EMG shall be issued unless the landowner of the  
16 property that is the site of the SG, MG or EMG also signs the application.

17 (3) All SGs and MGs are exempt from the requirements of Chapter 1 of the Lincoln  
18 County Code, except where noted.

19 (4) One permit shall be required for each SG, MG or EMG.

20 (5) A permit issued under these provisions does not entitle the SG, MG or EMG  
21 Organizer to construct any permanent physical alterations to or on the real property which is the  
22 site of the SG, MG or EMG.

23 (6) The Organizer of a proposed SG, MG or EMG shall file an application with the  
24 Department at least 90 days prior to the SG, MG or EMG.

25 (7) The application shall include the following:

26 (a) Name and mailing address, email address and phone number of the Organizer  
27 (and of the Property Owner, Lessee, or Possessor, if different).

Page 4 ORDINANCE # \_\_\_\_\_

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- 1 (b) Legal description and address, if any, of the location of the proposed SG, MG or  
2 EMG.
- 3 (c) A map of the SG, MG or EMG showing access roads and assembling and  
4 disbanding points.
- 5 (d) The date or dates of the proposed SG, MG or EMG.
- 6 (e) The proposed starting and ending time(s) of the SG, MG or EMG.
- 7 (f) The estimated number of persons, vehicles and animals that will be attending,  
8 participating in or viewing the SG, MG or EMG.
- 9 (g) The nature of the proposed SG, MG or EMG.
- 10 (h) A sketch, and other detailed information showing the type, number and location  
11 of all toilets, washing facilities, water supply, food preparation, food service facilities and solid  
12 waste collection locations.
- 13 (i) The name and phone number of the contact person who shall be easily identified  
14 and who shall remain at the SG, MG or EMG site at all times.
- 15 (j) Approval by the authorized representative of the rural fire protection district  
16 under ORS Chapter 478, or State Fire Marshal, or State Forester, as applicable.
- 17 (k) A water supply plan showing compliance with OAR 333-039-0010; a drainage  
18 plan showing compliance with OAR 333-039-0020; a sewerage plan showing compliance with  
19 OAR 333-039-0025; a refuse storage and disposal plan showing compliance with OAR 333-039-  
20 0030; a food and sanitary food service plan showing compliance with OAR 333-039-0035, an  
21 emergency medical facilities plan showing compliance with OAR 333-039-0040; a fire  
22 protection plan showing compliance with OAR 333-039-0045; a security personnel plan  
23 showing compliance with OAR 333-039-0050; and a traffic plan showing compliance with OAR  
24 333-039-0055.
- 25 (l) A copy of the proposed participant entry form for the SG, MG or EMG, including  
26 a release agreement releasing Lincoln County, its officers, agents, employees or volunteers from  
27 liability for any or all injuries.
- 28 (m) A signed indemnity agreement on a form provided by the County.

Page 5 ORDINANCE # \_\_\_\_\_

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1 (n) Information on whether alcohol will be part of the SG, MG or EMG, and if so, in  
2 what way, and what arrangements have been made for appropriate licensing.

3 (o) Such other appropriate information as the Director or Board may require in order  
4 to insure compliance with the provisions of this chapter, as well as the rules of the Oregon  
5 Department of Human Services.

6 (8) The application for a SG, MG or EMG shall be accompanied by the appropriate  
7 fee pursuant to the County fee schedule. Except as provided in subsection (9) below, no rebate or  
8 refund of money paid for a permit shall be made.

9 (9) Incomplete applications shall be denied and the application fee, less County costs,  
10 shall be returned to the permit applicant.

11 (10) If the application is submitted fewer than 90 days prior to the event and the  
12 Director or Board accepts the application, the processing fee shall be double.

13 (11) The Director shall furnish a copy of the SG, MG or EMG permit to the Sheriff  
14 and to any other jurisdiction with regulatory authority in which the SG, MG or EMG takes place.

15  
16 **4.420 SG, MG and EMG Permit Processing/When Hearings Are Required**

17 (1) SG permits shall be processed administratively by the Director without a hearing.

18 (2) No application for an MG permit shall be approved without review by the Board  
19 following a public hearing.

20 (3) No application for an EMG permit shall be approved without review by the  
21 Planning Commission following a public hearing in accordance with ORS 433.763.

22 (4) Public hearings shall be set at the discretion of the Director, but, in no case, earlier  
23 than 10 days from the date of the application.

24  
25 **4.425 SG, MG and EMG Departmental and Agency Notice**

26 (1) The Director shall send notice of the application to the following officers at least  
27 10 calendar days prior to the administrative decision (for the SG) or hearing (for the MG or  
28 EMG): Lincoln County Counsel (serving as Risk Manager), County Sheriff, the Director of

Page 6 ORDINANCE # \_\_\_\_\_

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1 Lincoln County Health and Human Services, the County Roadmaster, and the Chief of the Fire  
2 District, if there is one, in which the SG, MG or EMG is proposed, the State Fire Marshal and the  
3 State Forester.

4 (2) The Director shall publish notice of the hearing for a MG or EMG permit at least  
5 10 calendar days before the hearing in a newspaper of general circulation in the County. No  
6 notice is required in the case of SG administrative decisions.

7

8 **4.430 SG, MG and EMG Approval Criteria**

9 (1) A SG, MG or EMG permit shall be approved upon demonstration by the  
10 Organizer of compliance with or the ability to comply with the provisions of this chapter, as well  
11 as all health and safety rules adopted by the Oregon Department of Human Services, as  
12 applicable.

13 (2) Each public official receiving notice of the application for a SG who wishes to  
14 comment on the application shall submit such comment in writing to the Director within 10 days  
15 of receiving notice of the application. Each public official receiving notice of the application for  
16 a MG or EMG permit who wishes to comment on the application shall submit such comment in  
17 writing to the Hearings Body no later than the date and time for the hearing.

18 (3) The comment from any public official regarding a SG, MG or EMG permit may  
19 include recommendations related to the official functions of the officer as to granting the permit  
20 and any recommended conditions that should be imposed.

21 (4) The Director or Hearings Body shall consider the imposition of any suggested  
22 changes submitted by the public officials who received notice of the proposed gathering.

23 (5) The Director or Hearings Body may consider and impose any reasonable  
24 condition on a permit under this chapter.

25

26 **4.435 SG, MG and EMG Appeals**

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1 (1) When the County Planning Commission is the Hearings Body, any person who  
2 participated in the hearing before the Planning Commission shall be deemed a party and may  
3 appeal the decision to the Board.

4 (2) All SG decisions of the Director and MG decisions of the Board shall be  
5 reviewable only by the Lincoln County Circuit Court for the State of Oregon only by writ of  
6 review under the provisions of ORS 34.010 to 34.100.

7 (3) All EMG rulings of the Board are appealable to the Land Use Board of Appeals.  
8

#### 9 **4.440 SG, MG and EMG Insurance**

10 (1) If the Director, Board or Planning Commission, as applicable, determines that the  
11 SG, MG or EMG creates a potential for injury for persons or property, they may require  
12 Organizers to obtain a commercial general liability insurance policy in an amount commensurate  
13 with the risk, with single limit policy limits of not less than \$2,000,000.

14 (2) The insurance policy may not be cancelable and shall provide coverage against  
15 liability for death, injury or disability of any human or for damage to property arising out of the  
16 SG, MG or EMG.

17 (3) The insurance policy must be an "occurrence" policy, or its equivalent, that  
18 provides for payment of claims made during the 180 day period after the scheduled termination  
19 of the SG, MG or EMG.

20 (4) The Organizer shall furnish the Director with an insurance certificate and a copy  
21 of the insurance policy naming the County as an additional insured under the policy, at least 14  
22 days before the first day of the SG, MG or EMG.

23 (5) The permit for a SG, MG or EMG shall be voided by the Director if the Organizer  
24 does not file proof of the non-cancelable insurance required by this section with the Director at  
25 least 14 days before the first day of the SG, MG or EMG.

26 (6) The Organizer must agree in writing to indemnify, defend and save and hold  
27 harmless the County, its commissioners, boards, officers, employees and agents, from all suits,  
28 actions damages or claims to which the County may be subjected to of any kind or nature

Page 8 ORDINANCE # \_\_\_\_\_

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1 whatsoever, resulting from, caused by, arising out of or as a consequence of such SG, MG, or  
2 EMG and the activities permitted in connection therewith.

3  
4 **4.445 SG, MG and EMG Sanitary Facilities and Food Preparation**

5 (1) The County Environmental Health Division shall have the responsibility for  
6 approving all sanitation and related facilities required by the Hearings Body for a SG, MG or  
7 EMG permit to ensure that reasonable minimum standards have been or will be met by the  
8 Organizer, in accordance with the procedures outlined in this chapter and OAR 333-039.

9 (a) Water. An adequate supply of water meeting state drinking water standards for  
10 chemicals and bacteria shall be provided.

11 (b) Food Service Facilities. Food service facilities shall comply with the Oregon  
12 Department of Human Services regulations that pertain to the operation of temporary restaurants.  
13 All food service providers must be validly licensed.

14 (2) Such approval of an SG, MG or EMG permit by the County Environmental  
15 Health Department shall indicate the number, type, and location, when appropriate, of the  
16 various sanitary facilities and shall include a description of the specific type of food preparation  
17 and food service facilities to be provided.

18  
19 **4.450 SG, MG and EMG Fire Protection Standards**

20 (1) Unless waived by the Director, or Hearings Body, no SG, MG or EMG permit  
21 shall be granted under this chapter unless the Organizer has shown that the authorized  
22 representative of the rural fire protection district under ORS Chapter 478 has approved the type,  
23 size, number and location of fire protection devices and equipment available at, in or near any  
24 location, including outdoor sites, buildings, tents, stadium or enclosure, during the course of a  
25 SG, MG or EMG for which a permit is required under this chapter.

26 (2) If the site for which the permit is applied for is located outside a fire protection  
27 district, the Organizer must show approval from the Office of the State Fire Marshal, or State  
28 Forester, as applicable.

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**4.455 SG, MG and EMG Medical Service**

(1) Sheriff shall have responsibility for approving plans as to medical service required for the SG, MG or EMG.

**4.460 SG, MG and EMG Public Safety**

(1) If required by the Director or Hearings Officer, the Organizer must submit plans for public safety at the SG, MG or EMG demonstrating the following:

(a) Adequate traffic control and crowd protection policing shall be contracted for or otherwise provided by Organizer.

(A) There shall be provided one traffic control person for each 250 persons expected or reasonably expected to be in attendance at any time during the SG, MG or EMG.

(B) Further, there shall be provided one crowd control person for each 100 persons expected or reasonably expected to be in attendance at any time during the SG, MG or EMG.

(b) The Organizer shall submit the names and necessary background information as required by the Director or Hearings Officer for all traffic-control and crowd-control personnel to be utilized during the MG or EMG.

(c) All such personnel must meet the following minimum standards in order to be approved as suitable:

(A) Be at least 18 years of age;

(B) Must have the physical capability to perform the traffic control and traffic control responsibilities;

(C) Have training or experience acceptable to the County to conduct traffic and or crowd-control duties.

(2) All of the traffic control and crowd control personnel must wear appropriate safety vests or jackets.

(3) The required number of crowd-control personnel must be on duty during the entire SG, MG or EMG unless a relief schedule has been planned and approved.

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1 (4) A relief schedule will be approved only when sufficient crowd-control strength on  
2 duty has been maintained to meet the minimum strength standards set forth in this chapter.

3 (5) It is the duty of the crowd control personnel to report any violations of the law to  
4 the Sheriff.

5  
6 **4.465 SG, MG and EMG Parking Facilities**

7 (1) If required by the Director or Hearings Body, prior to or on the date of application  
8 for an SG, MG or EMG, the Organizer shall provide a scale drawing showing that adequate  
9 parking facilities have been made available within or adjacent to the location for which the  
10 permit is requested.

11 (2) Such parking facilities shall provide parking space for one vehicle for every four  
12 persons expected or reasonably expected to attend.

13 (3) Adequate ingress and egress shall be provided from such parking area to facilitate  
14 the movement of any vehicle at any time to or from the parking area of the SG, MG or EMG.

15 (4) Should buses be used to transport the public to the SG, MG or EMG, it shall be  
16 shown that adequate parking is available at any site from which buses are scheduled to pick up  
17 persons to transport them to the SG, MG or EMG.

18  
19 **4.470 SG, MG and EMG Permit Posting**

20 (1) The Organizer of a SG, MG or EMG shall have a copy of the permit available for  
21 inspection upon request.

22 (2) Any permit for a SG, MG or EMG shall not be transferrable or assignable without  
23 the consent of the Director or Board.

24 (3) Any permit for a SG, MG or EMG shall be kept posted in a conspicuous place  
25 upon the premises of such assembly.

1           **4.475 SG, MG and EMG Inspection of Premises**

2           (1) No SG, MG or EMG permit shall be granted unless the Organizer shall, in  
3 writing, upon the application for such permit, consent to allow the Director, law enforcement,  
4 public health and fire control officers to come upon the premises for which the permit has been  
5 granted for the purpose of inspection and enforcement of the terms and conditions of the permit  
6 and this chapter and any other applicable laws or ordinances.

7           (2) If any inspections reveal deficiencies in compliance with State or local law, the  
8 inspectors may return as often as needed until the deficiencies are cured. If the deficiencies are  
9 not cured or cannot be cured, the Sheriff may suspend or terminate the SG, MG or EMG.

10          (3) All the SG, MG or EMG facilities shall be in place a sufficient time, but not less  
11 than 2 hours, before the SG, MG or EMG for which an application is submitted and approved,  
12 and shall be subject to inspection by the County, provided, however, that such inspection shall  
13 not relieve the Organizer of responsibility for proper placement of all facilities.

14  
15           **4.480 SG, MG and EMG Restricted Hours of Operation**

16          (1) No SG, MG or EMG shall be conducted, including set-up, placement, storage,  
17 staging, removal or similar action of any equipment, materials, structures, vehicles, supplies and  
18 so forth, within 1,000 feet of any residence between the hours 12:01 A.M. and 9:00 A.M. and in  
19 all other areas between the hours of 2:00 A.M and 8:00 A.M.

20          (2) If written consents for the SG, MG or EMG from neighboring property owners  
21 and residents are submitted with the application, the Director or Hearings Body may modify  
22 these hours in the permit.

23          (3) The use of amplification for the SG, MG or EMG shall be regulated so that it will  
24 not interfere with the normal use of any school, church, residence or other permanent place of  
25 human habitation unless prior written consent is obtained from all affected persons. The  
26 gathering must comply with the Lincoln County Noise Ordinance (Lincoln County Code  
27 Sections 2.2000 to 2.2045).

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1           **4.485 SG, MG and EMG Enforcement**

2           (1)     The Organizer shall provide a contact person who shall be easily identifiable with  
3 readily visible ID and who shall remain at the SG, MG or EMG site at all times.

4           (2)     If any Organizer of a SG, MG or EMG violates any provisions of this chapter, the  
5 Sheriff may immediately suspend, revoke or terminate any permit for a SG, MG or EMG and  
6 may seek any legal remedy available.

7           (3)     The SG, MG or EMG Organizer shall keep a reasonable count of persons and  
8 vehicles entering and leaving the SG, MG or EMG.

9           (4)     If, at any time during the SG, MG or EMG held under a valid permit, the number  
10 of persons or vehicles attending the SG, MG or EMG exceeds by 10% or more the number of  
11 persons or vehicles estimated in the permit application, the Sheriff has the authority to require  
12 the Organizer to limit further admissions until a sufficient number of individuals or vehicles have  
13 left the site to bring the actual attendance down to the number estimated by the Organizer.

14          (5)     For any SG, MG or EMG held under a valid permit, the Sheriff has the authority  
15 to order the crowd to disburse and leave the SG, MG or EMG site if the Organizer cannot  
16 maintain order and compliance with all applicable State and local laws or refuses or is unable to  
17 adhere to the terms and conditions of the permit.

18          (6)     In addition to the State law provisions in ORS Chapter 433, including ORS  
19 433.990(7), the County Counsel or District Attorney for Lincoln County may maintain an action  
20 in any court of general jurisdiction to restrain or enjoin any violation of ORS 433.745.

21          (7)     If persons remain on site after the scheduled end of the permitted SG, MG or  
22 EMG or the Organizer fails to remove all debris or residue within 72 hours after termination of  
23 the SG, MG or EMG, or if the Organizer fails to remove all temporary structures within three  
24 weeks after the termination of the SG, MG or EMG, the County may issue citations to the  
25 Organizer, all persons remaining at the site, and/or all persons who have left debris behind.

26          (8)     In addition to any other remedies provided, if the SG, MG or EMG site is not  
27 restored to its previous condition, or better, the County may arrange for cleanup of the site, and  
28 then file an action for damages against the Organizer or successor landowner.

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**4.490 SG, MG and EMG Intoxicating Liquor Prohibition**

(1) No Organizer, nor any person having charge or control thereof at any time when a SG, MG or EMG is being conducted shall permit any person to bring into such SG, MG or EMG or upon the premises thereof, any intoxicating liquor, nor permit intoxicating liquor to be consumed on the premises, and no person during such time shall take or carry onto such premises or drink thereon intoxicating liquor.

(2) Subsection (1) of this section shall not apply to the sale and consumption of intoxicating liquor from a facility located on the premises of a SG, MG or EMG when validly licensed by the State.

**4.495 SG, MG and EMG Unlawful Controlled Substances Prohibition**

(1) No firm, person, society, association or corporation conducting a SG, MG or EMG, nor any person having charge or control thereof at any time when a SG, MG or EMG is being conducted shall permit any person to possess any controlled substances that are unlawful under Oregon law.

**4.500 SG, MG and EMG Compliance Required**

(1) Compliance with the terms and conditions of this chapter shall constitute minimum health, sanitation and safety provisions; and failure to comply with the terms and conditions of this chapter or state laws shall constitute a public nuisance and shall be subject to all criminal, civil and equitable remedies as such.

**4.505 SG, MG or EMG Violation Enforcement**

(1) For a SG, MG or EMG, violation of this chapter is subject to enforcement pursuant to Chapter 10 of the Lincoln County Code, and other legal remedies available under the law.

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1            SECTION 2

2            Severability

3            The sections, subsections, paragraphs and clauses of this Ordinance are severable. The  
4            invalidity of one section, subsection, paragraph or clause shall not affect the validity of the  
5            remaining sections, subsections, paragraphs and clauses.

6  
7            SECTION 3

8            Repeal of Sections 4.105 to 4.160 (Re Entertainment Assemblies) of the Lincoln County  
9            Code

10           On the effective date of this ordinance, Sections 4.105 to 4.160 (regarding Entertainment  
11           Assemblies) of the Lincoln County Code are repealed.

12

DATED this \_\_\_ day of May, 2017.

LINCOLN COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Terry N. Thompson, Chair

\_\_\_\_\_  
Doug Hunt, Commissioner

\_\_\_\_\_  
Bill Hall, Commissioner

APPROVED AS TO FORM:

ATTESTED TO:

\_\_\_\_\_  
Wayne Belmont, County Counsel

\_\_\_\_\_  
Tanya Graham, Recorder

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**Lincoln County Public Works**  
Roy Kinion  
Public Works Director

880 N.E. 7th Street  
Newport, Oregon 97365-2599  
Phone (541) 265-5747  
FAX (541) 574-1295

**MEMORANDUM**

DATE: May 25, 2017

TO: Board of Commissioners

FROM: Roy Kinion, Public Works Director *RK*

RE: **Bid Award: JAIL LOBBY REMODEL  
Project 8062**

Bids were received on May 25, 2017 at 2 pm and publicly read at that time for the remodel of the jail lobby. This renovation includes construction of nonbearing partition walls to define an expanded reception for the booking area, an enclosed storage area, and defined video conference stall in the open public lobby. The reception area will be protected with bullet guard panels.

Public Works received a single bid for this work by Collaborative Construction Solutions at \$196,832. This amount is within the architect's estimated range of \$150,000 to \$200,000. I have examined the bids and found no irregularities. It is my recommendation that a contract be awarded to Collaborative Construction Solutions in the amount of their bid.

Please contact me should you have any questions.

XC: Legal Counsel  
File.

